

CONSTITUTIONAL CRIMINAL PROCEDURE OUTLINE

A. INTRODUCTION:

- Balance b/t state powers and individual autonomy is essential
- Tip the scale too far one way → Totalitarianism too far the other way → Anarchy.
- The discussion must be framed in the context of the Constitution.
- Course focuses on the 4th, 5th, and 6th Amendments and their application to the States through the 14th.
 - 4th, 5th, and 6th go through 3 stages of interaction b/t individual and criminal law enforcement.

Three Stages of Interaction:

1. 4th Amendment- Governs investigation process through search and seizure.
2. 5th Amendment- Custodial interrogation—state has custody over individual and attempts to obtain information.
3. 6th Amendment—Adjudication—Individual no longer a suspect, but a defendant, & is entitled to competent counsel.

Brown v Mississippi: Confessions obtained by (violent) coercion violate due process. The Due Process clause of the 14th Amendment requires that state actions be consistent with fundamental principles of liberty and justice

- Confessions obtained by violent coercion violate DP.

B. EXCLUSIONARY RULE:

RULE: Evidence that is obtained in a way that violates constitutionally protected rights will not be admitted in a prosecutor's case in chief.

- This rule was created to take away any incentive for law enforcement officials to violate a suspect's constitutional rights.
- Exclusionary Rule = **ER**

Weeks v. United States: The U.S. and Federal officials are prohibited from performing unreasonable searches and seizures.

- This case only applied to federal courts. Evidence obtained in violation of the 4th Amendment could not be admitted into federal court.

Wolf v. Colorado: Evidence gathered by violating the due process clause through unreasonable search and seizure can be admitted in state criminal proceedings.

Rochin v. California: Law enforcement may not procure physical evidence by forcible extraction of a S's stomach contents.

- Conduct that shocks the conscience → violation of the DP clause

Mapp v. Ohio: Evidence obtained through unreasonable search and seizure in violation of the 4th Amendment is inadmissible in state criminal proceedings.

- Mapp is the case that the exclusionary rule DOES apply to the states!
- The Court found that the exclusionary rule is with the 4th Amendment itself, and is not just a police decision, or rule of evidence.

Constitutional Criminal Procedure

L Cohen



Constitutional Criminal Procedure:

Reviewing **Constitutional Criminal Procedure**: Unlocking the Spellbinding Force of Linguistics

In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is actually astonishing. Within the pages of "**Constitutional Criminal Procedure**," an enthralling opus penned by a very acclaimed wordsmith, readers set about an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve in to the book is central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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